

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

|                           |   |            |
|---------------------------|---|------------|
| RICKY ALLEN MOORE,        | ) |            |
|                           | ) |            |
| Petitioner,               | ) |            |
|                           | ) |            |
| v.                        | ) | 1:12CR18-1 |
|                           | ) | 1:12CV973  |
| UNITED STATES OF AMERICA, | ) |            |
|                           | ) |            |
| Respondent.               | ) |            |

ORDER

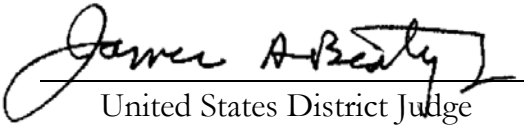
BEATY, District Judge.

This matter is before the Court on a Memorandum Opinion and Recommendation of the United States Magistrate Judge (the “Recommendation”) [Doc. #39], which was filed and served on the parties pursuant to 28 U.S.C. § 636(b). In the Recommendation, the Magistrate Judge recommended that the Court deny Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 [Doc. #25] for the reasons set forth in the Recommendation. No objections were filed within the time limits prescribed by § 636.

In the absence of objections, this Court reviews the Recommendation only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Fed. R. Civ. P. 72 advisory committee’s note. The Court has appropriately reviewed the Recommendation. Having done so, the Court finds that no clear error exists and the Recommendation should be adopted. The Magistrate Judge’s Recommendation [Doc. #39] is therefore affirmed and adopted for the reasons set forth therein.

IT IS THEREFORE ORDERED AND ADJUDGED that Petitioner's § 2255 Motion [Doc. #25] is DENIED, that this action (1:12CV973) is DISMISSED, and that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This, the 27<sup>th</sup> day of April, 2015.

  
United States District Judge